

EXHIBIT M

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN) ECF Case

DECLARATION OF EDWIN RIVERA

COMES NOW the declarant, EDWIN RIVERA, duly sworn upon oath, deposes and testifies as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Affidavit are based on my personal knowledge unless otherwise indicated.

2. I was a citizen of the United States on September 11, 2001, and remain so today. Attached as Exhibit A to this Declaration is a true and correct copy of my proof of citizenship.

3. On September 11, 2001, at about 8:45 a.m., my wife, Grace Rivera, and I were both in the lobby of Tower I of the World Trade Center (“WTC”). At the time, my wife and I were both employed at the WTC by Empire Blue Cross and Blue Shield of New York. We both worked on the 28th floor of Tower 1. That morning, my wife and I were waiting in the lobby of Tower I for the elevator so that we could go to our office on the 28th floor.

4. We were walking towards the elevator when the first plane hit the tower. No one knew what had happened. All I can remember is the doors blew off of the freight elevators and I

felt that everything around me shook. I then grabbed my wife's hand and started to run toward the West Street doors. As we were trying to get out of the outer doors, a tremendous gust of wind and fire seemed to have exploded from behind us, and threw us out of the building. I was bleeding from the injuries and the burning clothes had caused severe skin burns.

5. On reaching the road, my wife and I were both frantically trying to flag down the traffic and get their attention for help. There was a lot of confusion as no one knew what was going on. I remember people falling next to me. Finally, we saw one ambulance arrive and it took me and my wife, along with four or five other injured people, to St. Vincent's Hospital in New York City, where we were admitted to the intensive care unit.

6. As a result of these terrorist attacks, I suffered extensive injuries and burns. These included 3rd degree burns on my left hand, fingers, forearm and elbow, and left arm. I also sustained 3rd degree burns of the left posterior shoulder and entire back. I had 2nd degree burns of my forehead, bilateral ears and upper eyelids, which did not require skin grafting.

7. I suffered sustained inhalation injuries to my lungs. And because of the explosion, I had trauma to my left shoulder. Dr. Andrew Hutter, an orthopedic surgeon, treated me for impingement syndrome of the left shoulder with outpatient physical therapy three times per week. I ultimately required arthroscopic surgery of this shoulder, which Dr. Hutter performed.

8. At St. Vincent's Hospital, I underwent surgical excision and split-thickness skin grafting of the third degree burn on the left upper extremity, with donor sites from the anterior thighs, on September 13, 2001.

9. On September 14, 2001, after our conditions became stable, my wife and I were transferred by ambulance to Saint Barnabas Medical Center Burn Unit in Livingston, New Jersey. We were both admitted to the burn unit and underwent further burn-related treatment, which

included skin grafts and laser treatment. On physical examination at the time of admission to Saint Barnabas, I was found to have a 24.5% total body surface area second and third degree flame burn, involving the face both upper extremities including the hands, and a large area of the back. At Saint Barnabas, I was treated with wound care, nutritional support, intravenous analgesia and sedation, and physical and occupational therapy. I was brought to the operating room on September 20, 2001, where I underwent surgical excision and split-thickness skin grafting of the third degree burns of the back.

10. As a result of my injuries, I have burn scars over 90% of my back, which were grafted with a meshed graft. I also have areas of hypertrophic scarring and keloid scarring, irregularity of the surface of the back, areas of hyper and hypo-pigmentation over the majority of the surface of my back. I have scars and deformity of the left upper extremity, which was grafted, extending to the posterior part of the left shoulder. This area has areas of keloid formation, hypertrophic scars, irregularity and unevenness, and pigmentation changes. I also have burn scars of the left posterior elbow, left forearm, dorsal aspect of the left hand and also the left fingers. I have burn scars and deformity of the right arm in the form of pigmentation changes involving the lateral lower part of the right arm. I also have burn scar deformity of the right forearm and dorsal aspect of the right hand and fingers. I feel stiffness, especially when there are changes in the temperature and climate.

11. Following my discharge from Saint Barnabas on October 2, 2001, I was seen by Dr. Sylvia J. Petrone, MD, FACS, on numerous occasions of follow-up care beginning on October 2, 2001. According to an August 30, 2002 letter by Dr. Sylvia J. Petrone, M.D., F.A.C.S., I have “sustained a serious and disfiguring burn injury, which will leave [me] with significant permanent scarring of the skin of the burned areas. The skin of the healed burn wounds will remain more

fragile and more easily susceptible to injury than normal skin. There is also an inability to sweat through these areas, and [I] will remain relatively intolerant to extremes of heat or cold. [I] must continue to use skin moisturizer in the scarred areas and to protect them from exposure to the sun. [I] must continue the use of the custom-made compression garments and inserts until the scars have reached maturity.”

12. As a result of the terrorist attacks, I have also suffered from psychological injuries, including Post-Traumatic Stress Disorder (“PTSD”). Specifically, soon after my discharge from the hospital, while under the care of other non-psychiatric physicians, I was told that I had “reactive anxiety disorder” and was told to seek mental health help. In fact at that time (according to my physician Dr. Gurbir S. Khera, M.D.), I was experiencing classic symptoms of PTSD.

13. Dr. Khera found that manifestations of my PTSD symptoms included hyper vigilance, startle response, flashbacks, nightmares and dreams of the event, bouts of anger, impaired concentration, intrusive and vivid recollections, mood lability, and tendency to avoid certain situations. I also became fearful of going to New York City and flying. To this day, I continue to deal with these fears.

14. My treating physicians encouraged me to seek help for these psychiatric symptoms, which had developed after 9/11. I contacted Catholic Charities of Monmouth County in Red Bank and started to see a therapist, Ms. Joan Walsh. Subsequently, I was also seen by a psychiatrist, Dr. Villaseñor, who prescribed me medications. Later, when Dr. Villaseñor left Catholic Charities, I was seen by Dr. Carolyn Matflerd and by Dr. Khera.

15. When initially seen by Dr. Khera for the first time on January 4, 2005, Dr. Khera found that I manifested psychiatric symptoms that were consistent with PTSD and were severe in nature. This diagnosis of PTSD was confirmed by the assessment of three other psychiatrists: Dr.

Villasenor, Dr. Matflerd, and Dr. Head. Dr. Head is a psychiatrist who was appointed by my workers compensation insurance company to evaluate me.


16. Dr. Khera concluded that by “diagnosis of [PTSD] is casually related to the terrorist attacks of September 11, 2001.” Dr. Khera also concluded that my “recovery is complicated by the fact that [my] physical discomfort from the physical aspect of injuries has an effect of exacerbating [my] psychiatric injuries.” Dr. Khera also concluded that my “injuries should be considered as permanent in nature as the symptoms have [the] tendency to reoccur.”

17. Attached as Exhibit B to this Declaration is a true and correct copy of my medical records related to the treatment that I received following the September 11, 2001 terrorist attacks.

18. I previously pursued a claim through the September 11th Victim Compensation Fund specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 29 day of January 2020.


EDWIN RIVERA

Exhibits Filed Under Seal